

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

RICHARD PEYTON,  
Plaintiff

v.

C.A. No. 07-148ML

WMC MORTGAGE CORPORATION,  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY, N.A., as Trustee of  
MORGAN STANLEY ABS CAPITAL I  
INC., Asset Backed Pass Through  
Certificates Series 2006-WMC2 Under  
The Pooling and Servicing Agreement  
Without Recourse, WELLS FARGO  
BANK and DOES 1-5,  
Defendants

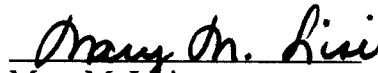
**MEMORANDUM AND ORDER**

This matter is before the Court on the objection filed by Richard Peyton (“Peyton”), the Plaintiff, to a Report and Recommendation issued by Magistrate Judge Almond on November 19, 2008. Peyton shares the same attorney as Joseph C. Melfi (“Melfi”), the plaintiff in Melfi v. WMC Mortgage Corp., C.A. No. 08-024ML. Both cases involve the legal sufficiency of a Notice of Right to Cancel under the Truth In Lending Act (“TILA”). Peyton, through his attorney, has advised the Court that the legal issues posed by the two cases are identical.

Magistrate Judge Almond recommends that the Defendant’s Motion to Dismiss be granted and that Peyton’s Second Amended Complaint be dismissed in its entirety. This Court has reviewed the Report and Recommendation and the Plaintiff’s Memorandum in Support of his Objection. Finding no merit in Peyton’s contentions, this Court adopts the Report and Recommendation. The Defendant’s Motion to Dismiss is GRANTED and Peyton’s Second

Amended Complaint is DISMISSED, for the same reasons stated in Melfi.

SO ORDERED.

  
Mary M. Lisi  
Chief United States District Judge  
January 9, 2009